

--4. The aqueous dispersion of a vinylidene fluoride polymer of Claim 1, wherein the nonionic non-fluorine-containing surfactant is a polyoxyethylene alkyl ether or a polyoxyethylene alkyl ester.

5. The process of Claim 3, wherein nonionic non-fluorine-containing surfactant is a polyoxyethylene alkyl ether or a polyoxyethylene alkyl ester.--

REMARKS

Applicants' specification has been amended to correct typographical errors. Claim 1 has been amended to define an average particle size, which is described in applicants' specification disclosure at, for example, page 10, lines 4-11. Claim 2 has been canceled. Claims 4 and 5 have been added to the application which define specific non-fluorine-containing surfactants, such as those described on pages 6 and 7 of applicants' specification disclosure, especially at the page 7, lines 27-33. Accordingly, Claims 1 and 3 to 5 are in the application for consideration by the Examiner.

In the most recent Office Action in the parent application, no prior art rejections were set forth. Two rejections of Claim 1 were set forth, one under 35 U.S.C. § 112, first paragraph, and the second under 35 U.S.C. § 112, second paragraph. In the rejection under 35 U.S.C. § 112, first paragraph, it was stated that the specification does not enable a person skilled in the art to which it pertains or with which it is most nearly connected to make the invention commensurate in scope with the claims. The Official Action noted

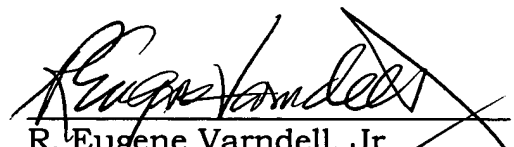
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page 6, lines 28-37, as describing that in order to decrease the concentration of the fluorinated surfactant to not more than 1%, a trace amount of non-fluorine-containing surfactant has to be added. Applicant respectfully submits that the positions concerning the description on page 6, lines 29-37, of the present specification are incorrect. In particular, applicant respectfully submits that there is no absolute requirement for the presence of the non-fluorine-containing surfactant at this portion of applicant's specification. In other words, applicant respectfully submits that this portion of this specification does not require the presence of the non-fluorine-containing surfactant in applicant's invention. This portion of applicant's specification disclosure simply states that it is possible to decrease the amount of fluorine-containing surfactant to a smaller amount of not more than 1% by weight by adding a trace amount of the non-ionic non-fluorine-containing surfactant. This portion of applicant's specification disclosure does not state that it is not possible to decrease the amount of fluorine-containing surfactant in another way. Accordingly, it is respectfully submitted that applicant's specification disclosure would enable any person skilled in the art to make the invention as set forth in Claim 1 within the meaning of the first paragraph of 35 U.S.C. § 112, and further, that Claim 1 particularly points out and distinctly claims applicant's invention within the meaning the second paragraph of 35 U.S.C. § 112.

It is respectfully noted that Comparative Example 5, which does not include the use of a non-ionic non-fluorine-containing surfactant provides an average particle size of not more than 200 nm, is within the scope of Claim 1. Accordingly, this example demonstrates that the particle sizes of applicant's claims can be obtained without the use of the non-fluorine-containing surfactant, thereby enabling the invention claimed in Claim 1. This example further demonstrates at the time of invention the applicant had within its possession a composition as set forth in Claim 1, namely, one without any nonionic non-fluorine-containing surfactant.

For the foregoing reasons, applicant respectfully submits that the claims of the present application comply with both the first and second paragraphs of 35 U.S.C. § 112. Therefore, early consideration and allowance of Claims 1 and 3 through 5 are respectfully requested.

Respectfully submitted,
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